

31A-22-610 Dependent coverage from moment of birth or adoption.

- (1) As used in this section:
 - (a) "Child" means, in connection with any adoption, or placement for adoption of the child, an individual who is younger than 18 years of age as of the date of the adoption or placement for adoption.
 - (b) "Placement for adoption" means the assumption and retention by a person of a legal obligation for total or partial support of a child in anticipation of the adoption of the child.
- (2)
 - (a) Except as provided in Subsection (5), if an accident and health insurance policy provides coverage for any members of the policyholder's or certificate holder's family, the policy shall provide that any health insurance benefits applicable to dependents of the insured are applicable on the same basis to:
 - (i) a newly born child from the moment of birth; and
 - (ii) an adopted child:
 - (A) beginning from the moment of birth, if placement for adoption occurs within 30 days of the child's birth; or
 - (B) beginning from the date of placement, if placement for adoption occurs 30 days or more after the child's birth.
 - (b) The coverage described in this Subsection (2):
 - (i) is not subject to any preexisting conditions; and
 - (ii) includes any injury or sickness, including the necessary care and treatment of medically diagnosed:
 - (A) congenital defects;
 - (B) birth abnormalities; or
 - (C) prematurity.
 - (c)
 - (i) Subject to Subsection (2)(c)(ii), a claim for services for a newly born child or an adopted child may be denied until the child is enrolled.
 - (ii) Notwithstanding Subsection (2)(c)(i), an otherwise eligible claim denied under Subsection (2)(c)(i) is eligible for payment and may be resubmitted or reprocessed once a child is enrolled pursuant to Subsection (2)(d) or (e).
 - (d) If the payment of a specific premium is required to provide coverage for a child of a policyholder or certificate holder, for there to be coverage for the child, the policyholder or certificate holder shall enroll:
 - (i) a newly born child within 30 days after the date of birth of the child; or
 - (ii) an adopted child within 30 days after the day of placement of adoption.
 - (e) If the payment of a specific premium is not required to provide coverage for a child of a policyholder or certificate holder, for the child to receive coverage the policyholder or certificate holder shall enroll a newly born child or an adopted child no later than 30 days after the first notification of denial of a claim for services for that child.
- (3)
 - (a) The coverage required by Subsection (2) as to children placed for the purpose of adoption with a policyholder or certificate holder continues in the same manner as it would with respect to a child of the policyholder or certificate holder unless:
 - (i) the placement is disrupted prior to legal adoption; and
 - (ii) the child is removed from placement.
 - (b) The coverage required by Subsection (2) ends if the child is removed from placement prior to being legally adopted.

- (4) The provisions of this section apply to employee welfare benefit plans as defined in Section 26-19-2.
- (5) If an accident and health insurance policy that is not subject to the special enrollment rights described in 45 C.F.R. Sec. 146.117(b) provides coverage for one individual, the insurer may choose to:
 - (a) provide coverage according to this section; or
 - (b) allow application, subject to the insurer's underwriting criteria for:
 - (i) a newborn;
 - (ii) an adopted child; or
 - (iii) a child placed for adoption.

Amended by Chapter 307, 2007 General Session